



# Austin City Council MINUTES

MAY 30, 1991

## MEETING CALLED TO ORDER - 1:00 P.M.

Mayor Cooke called to order the meeting of the Council, noting the presence of all Councilmembers.

## MINUTES APPROVED

1. Approved Minutes for Regular Meetings of May 16 and 23, 1991 and Special Meetings of May 6, and 20, 1991.

As amended, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Barnstone out of the room.

## 1:00 P.M. - CITIZEN COMMUNICATIONS

2. Mr. Jon Carlson, to discuss election of Bruce Todd; to ask Robert Barnstone to seek next available Council seat; to thank Bob Larson and Louise Epstein for having business common sense; and to request a Council resolution for hiring David Elliott as City Council reporter for the American Statesman. Was not present.
3. Mr. Henry Ratliff discussed City problems.
4. Ms. Donna Knapp discussed immunization requirements for school aged youngsters.
5. Ms. Diana Webster discussed the needs of individuals with physical disabilities.
6. Mr. Richard Trachtenberg discussed the budget process and the politics of skullduggery.
7. Ms. Carol Guthrie discussed employee relations.
8. Mr. Greg Powell discussed employee relations.

9. MONTHLY HOUSING REPORT (To be heard at 3:00 p.m. during Austin Housing Finance Corporation Meeting)

ORDINANCES

Zoning (Items 10-15)

10. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1700 - 2300 Block of Loop 360, Case No. C14-87-007 (Parkstone PUD), from SF-3 to "PUD", Planned Unit Development, Peter A. Dwyer, Edwin E. Foster, Et al., Barton Laredo Interest I, Barton Laredo Interest II, and the International Bank of Commerce, Owners, by Martin Camp, First reading on September 1, 1988; Vote 5-0, Councilmembers Urdy and Barnstone out of the room. Conditions met as follows: Restrictive Covenants and Phasing Agreement incorporating conditions imposed by Council have been executed. Development restricted to that shown on the Site Plan attached as an Exhibit to the ordinance. Notes incorporating conditions imposed by Council have been added to the site plan.

Postponed to June 13, 1991.

11. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12535 N. Mopac Expressway, Case No. C14-90-0049, from "SF-6", Townhouse and Condominium Residence and "GR", Community Commercial to Tract 1: "GR", Community Commercial; Tract 1A: "GR-CO", Community Commercial-Conditional Overlay; Tract 2: "CS-CO", General Commercial Services, PARMER POINT LTD., by Bury & Pittman, Inc. First reading on February 28, 1991; Vote 4-3, Mayor Cooke and Councilmembers Epstein, Nofziger voting "No". Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council, Restrictive Covenant and Traffic Phasing Agreement have been executed.

Pulled off agenda.

12. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 9101 Dessau Road, Case No. C14-87-062, from "SF-3", Family Residence, to "CS", Commercial Services, LINDA WATTS & DENNIS WILHITE, by Blazier, Rutland & Lerner. First reading on June 25, 1987; Vote 6-0, Mayor Cooksey absent. Conditions met as follows: Conditional Overlay incorporates a 0.30 to 1.0 floor-to-area ratio (13,251 square feet) limitation. The applicant is requesting deletion of site plan and dedication of right-of-way for Dessau Road.
13. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 2803 San Jacinto Blvd., Case No. C14-91-0026, from "GO", General Office, to "LR-CO", Neighborhood Commercial-Conditional Overlay, DOR-WELL ENTERPRISES, by Lucy's of Austin, Inc.

First reading on May 9, 1991; Vote 7-0. Conditions met as follows: Conditional Overlay incorporates conditions imposed by Council.

¶12-13 on Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

14. Approved second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 4411 & 4621 Spicewood Springs Road, Case No. C814-91-0002 (CAPROCK PLAN B), from "PUD", Planned Unit Development and "P", Public District to "PUD", Planned Unit Development, MAYBELLE ANDREWS, WINNIE TRIPPETT AND ADELAIDE CHRISTIANSEN, by Land Strategies. First reading on April 25, 1991; Vote 5-0, Councilmember Barnstone out of the room. Conditions met as follows: Conditions imposed by Council have been incorporated into a Zoning Ordinance. Effective ten days after passage.

On Councilmember Larson's motion, Mayor Cooke's second, 5-1 Vote, Councilmember Epstein voted No, Councilmember Barnstone out of the room.

15. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as the area between the following boundaries North: East 12th Street, Juniper Street, South of Hackberry Street; South: South of East 8th Street, West of San Marcos Street and South of East 11th Street; East: East of Navasota Street, South of Rosewood Street and West of Angelina Street; West: Interstate Highway 35, Case No. C14-88-0103 (East 11th Street NCCD), from "SF-3", Family Residence; "SF-3-H", Family Residence-Historic; "MF-3", Multifamily Residence; "LO", Limited Office; GO-CO, General Office-Conditional Overlay; "LR", Neighborhood Commercial; CS, Commercial Services; "CS-H", Commercial Services-Historic; "CS-1-H", Commercial Liquor Sales-Historic; "CS-1-CO", Commercial Liquor Sales-Conditional Overlay to "SF-3-NCCD", Family Residence-NEIGHBORHOOD CONSERVATION COMBINING DISTRICT; "SF-3-H", Family Residence-Historic-NCCD; "MF-3-NCCD", Multifamily Residence-NCCD; "LO-NCCD", Limited Office-NCCD; "GO-CO-NCCD", General Office-Conditional Overlay-NCCD; "LR-NCCD", Neighborhood Commercial-NCCD; "CS-NCCD", Commercial Services-NCCD; "CS-H-NCCD", Commercial Services-Historic-NCCD; "CS-1-NCCD", Commercial Liquor Sales-NCCD; "CS-1-H-NCCD", Commercial Liquor Sales-Historic-NCCD; "CS-1-CO-NCCD", Commercial Liquor Sales-Conditional Overlay-NCCD, EAST 11TH STREET VILLAGE ASSOCIATION, INC., by Mathias Company. First reading on April 18, 1991; Vote 7-0. Second reading on May 16, 1991; Vote 5-1; Councilmember Barnstone out of the room and Councilmember Carl-Mitchell voting "No." Council also voted 6-1, Councilmember Smoot Carl-Mitchell voted "No", to include properties located at 809 E. 9th Street and 819 and 901 E. 8th Street in the NCCD. Conditions met as follows: Conditions imposed by Council have been incorporated into a Zoning Ordinance, a fee waiver ordinance, the neighborhood plan prepared by the Mathias Company for the East 11th Street Village Association, Inc., and a restrictive covenant. Approve second/third reading of Fee Waiver Ordinance for Subdistricts 1 and 2 of E. 11th Street NCCD. (Public Hearing Closed - No Citizen Sign Up)

Postponed to June 6, 1991.

16. Approved amending Ordinance No. 910110-J, Development System Improvement, to correct three technical errors: (1) reinstate right-of-way condemnation site plan exemption; (2) correctly identify historic survey documents; and (3) correct subsection reference. (No fiscal impact)

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

17. Amended Section 13-5-31(a), Fee Exemptions and Refunds, of the Code of the City of Austin, 1981, related to emergency operations for existing barricade regulations.

Postponed to June 6, 1991.

18. Authorized a settlement and expenditures from the Liability Reserve Fund for claims associated with the settlement of a claim filed by Clarence Douglas Holt, in the amount of \$250,000.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Nofziger out of the room.

#### RESOLUTIONS

19. Approved execution of a contract award with ABBOTT LABORATORIES, Abbott Park, IL, for a twelve (12) month supply agreement for intravenous solutions and administration sets, in an amount not to exceed \$578,854, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$578,854 per extension, for a total amount not to exceed \$1,736,562. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital). Low bid of two (2). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. BSI-092.

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

20. Approved negotiation and execution of a twelve (12) month service agreement with TRI-CO, Austin, Texas, and R/T ASSOCIATES, Dallas, Texas, for provision of supplemental respiratory therapists, in an estimated amount of \$50,000 per firm, for a total amount not to exceed \$100,000, including an option to extend thereafter for up to one (1) additional twelve (12) month period in an amount not to exceed \$50,000 per firm, for a total amount not to exceed \$200,000. (Funding included in the 1990-91 Operating Budget for Brackenridge Hospital. Best offers of three (3). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. BSI-032.

#### Motion

Councilmember Larson made a motion, seconded by Mayor Cooke to adopt an alternate resolution, giving the TRI-CO preference for provision of supplemental respiratory therapists.

**Substitute Motion - FAILED**

Councilmember Barnstone offered a substitute motion, seconded by Councilmember Nofziger to approve as recommended by staff. Motion FAILED by a vote of 2-5 with Mayor Cooke, Mayor Pro Tem Urdy, Councilmembers Carl-Mitchell, Epstein and Larson voting No.

**Roll Call on Main Motion**

**5-2 Vote, Councilmembers Nofziger and Barnstone voted No.**

21. Approved contract modification with COMPUTER ASSOCIATES, Austin, Texas, for required license upgrades for four software products, in an amount not to exceed \$77,697. (Funding included in the 1990-91 Operating Budget of the Information Systems Department). Sole Source. 0% M/WBE Subcontractor participation. Reference No. 560A000Z240.

On Councilmember Larson's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Barnstone voted No.

22. Approved execution of a twelve (12) month contract with GOEBEL MANUFACTURING, Smithville, Texas, for tire cutting, in an amount not to exceed \$42,000 with an option to extend the contract for two (2) additional twelve (12) month periods, in an amount not to exceed \$42,000 per extension, for a total amount not to exceed \$126,000. (Funding included in the 1990-91 Operating Budget for Environmental and Conservation Services Department). Low bid of four (4). 0% M/WBE Subcontractor participation. The prime did not identify any subcontracting opportunities. Reference No. 910401-3JR.

On Councilmember Carl-Mitchell's motion, Councilmember Nofziger's second, 5 -0 Vote, Councilmembers Barnstone and Nofziger out of the room.

23. Authorized negotiation and execution of an Interlocal Agreement between the City of Austin and the City of Sunset Valley, Texas, for construction of wastewater improvements along U.S. Hwy 290 West and Pillow Road. (No fiscal impact)

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

**4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES**

**ZONING DISTRICTS**

24. C14-91-0020 - RICHARD DOZIER, by Consort, Inc., 1813-1911 Capital of Texas Highway South, from SF-2 to LI. Planning commission Recommendation: To grant CS-CO,

Commercial Services-Conditional Overlay for Tracts 1 and 2; and GO-CO, General Office-Conditional Overlay for Tracts 3 and 4, subject to conditions.

First Reading - On Councilmember Carl-Mitchell's motion, Councilmember Barnstone's second, 5-0 Vote, Mayor Pro Tem Urdy, Councilmember Nofziger out of the room.

25. C14-91-0024 - FEDERAL DEPOSIT INSURANCE CORP., by Strasburger & Price, Armbrust & Brown, 11400-11402 Tedford Street, from NO to W/LO. Planning Commission Recommendation: No recommendation due to lack of a quorum vote.

Motion

DENIED W/LO zoning for Lot 8 (north lot, 11402 Tedford Street) on Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 5-0 Vote, Mayor Cooke and Councilmember Barnstone out of the room.

Motion

On Councilmember Carl-Mitchell's motion, Councilmember Larson's second, 6-0 Vote, Councilmember Barnstone out of the room, APPROVED ON FIRST READING W/LO, Warehouse/Limited Office, zoning for Lot 9 (11400 Tedford Street) with limited warehousing and distribution associated with the permitted office use on the site as the only permitted W/LO use, excluding wholesale distribution and moving and storage firms, and permitting only the following NO, Neighborhood Office, uses: Administrative and Business offices and professional offices, with the following conditions:

- 1) Roll back to NO, Neighborhood Office, if the W/LO use ceases for more than 90 days,
- 2) Restrictive Covenant in which the owner agrees to provide additional landscaping and rock the east facades of the existing warehouses,
- 3) Administrative deletion of the right-of-requirement on Tedford Street,
- 4) Ratio of space in structure to be used for storage limited to 50%,
- 5) Retrofit tract to comply with current drainage standards of the City.

PUBLIC HEARINGS AND APPROVAL OF ORDINANCES/RESOLUTIONS

26. 5:00 P.M. Adopt the 1990 National Electrical Code and local amendments.
27. Amended Ordinance 860911-W relating to establishment of fees for the Electrical Repair Booklet Program authorized by the Electrical Code.

#26-27 Closed the public hearing and approved staff recommendation, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room.

28. 5:30 P.M. Approve an exchange of a 8.10 acre tract of land known as Spicewood Springs Park for an alternate site consisting of approximately 19.83 acres adjacent to the existing site in accordance with Sect. 26.0001 of the Texas Parks and Wildlife Code. (No fiscal impact) [Councilmember Bob Larson]

Public hearing closed and exchange approved, on Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Councilmember Barnstone out of the room.

29. 6:00 P.M. Amend Chapter 13-7, Article I (Water Quality) of the Austin City Code of 1981 by providing regulations for development in Urban Watersheds, and establishing a formula for payment in lieu of structural stormwater controls (13-7-19.1). Speaker's cards on file in City Clerk's office.

Continue public hearing to June 13, 1991 at 5:30 P.M. and set for possible action.

30. 6:30 P.M. Approved a text amendment to the Land Development Code relating to the rebuilding of a structure housing a pre-existing conditional use after a casualty loss. (Mayor Lee Cooke)

Public hearing closed and amendment approved on Councilmember Carl-Mitchell's motion, Mayor Pro Tem Urdy's second, 5-0 Vote, Councilmembers Barnstone and Nofziger out of the room.

31. 7:00 P.M. Rate change request filed by Southern Union Gas Company.

Postponed to June 6, 1991 at 5:00 P.M.

#### ITEMS FROM COUNCIL

32. Approved second reading of an Ordinance amending the Code of the City of Austin, 1981, by regulating the placement and maintenance of newsracks on public streets, sidewalks, and right-of-way. (Sixth Street Subcommittee)

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

33. Approve the waiver of construction charges for wastewater service to 7118 Silvermine Drive in the Valley View Acres Subdivision. (Councilman Robert Barnstone and Councilmember Bob Larson)

Councilmembers Barnstone and Larson withdrew their support so item was pulled from the agenda and no action taken.

34. Rescinded previous selection to provide architectural services for the design of a new computer data center, and approved selection (RFQ) of The Austin Group Architects, AIA, Austin, Texas, and negotiation and execution of a contract to provide architectural services for the design of a new computer data center, in the amount of \$285,000. (Funding in the amount of \$142,500 included in C.I.P. No. 392-227-722 - Water Fund and \$142,500 included in C.I.P. 430-237-0465 - Wastewater

Fund). Prime recommendation of fifteen (15). 10% MBE, 15% WBE Subcontractor participation. (Councilmember Louise Epstein)

On Councilmember Epstein's motion, Councilmember Larson's second, 4-3 Vote, Councilmembers Barnstone, Carl-Mitchell and Nofziger voted No.

35. Discussion/Approval of formal action to de-activate Sister City relationships with Elche Alicante, Spain and Belo Horizonte, Brazil. (Mayor Lee Cooke)

Approved on Councilmember Larson's motion, Mayor Cooke's second, 6-0 Vote, Councilmember Barnstone out of the room.

36. Approved a Resolution declaring June 7, 1991 Barton Creek/Barton Springs Day and resolving to provide free admission to Barton Springs Pool on that day. (Councilmember Michael "Max" Nofziger)

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

37. Approved an Ordinance waiving admission fees to Barton Springs Pool for June 7, 1991. (Councilmember Michael "Max" Nofziger)

**FIRST READING ONLY**

On Councilmember Nofziger's motion, Councilmember Carl-Mitchell's second, 4-2 Vote, Councilmember Epstein and Mayor Cooke voted No, Mayor Pro Tem Urdy out of the room.

38. Consideration of the construction of a privately funded sidewalk in the City of Austin's right-of-way at 1200 and 1202 West 29th Street. (Mayor Lee Cooke)

Council directed the City Manager to direct staff to research and re-stripe for a bike lane.

39. Approved an Ordinance establishing the beginning and ending dates for the terms for members of the Planning Commission. (Mayor Lee Cooke and Councilmember Louise Epstein)

On Councilmember Larson's motion, Councilmember Carl-Mitchell's second, 6-0 Vote, Mayor pro Tem Urdy out of the room.

**EXECUTIVE SESSION (No Public Discussion on These Items)**

Mayor Cooke announced that Council would go into Executive Session, pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision, or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

40. Pending/Contemplated Litigation - Section 2, Paragraph e  
State of Texas v. City of Austin, Cause No. 91-0679

RECESS

Council recessed its meeting from 7:50 to 8:06 P.M. for executive session.

ADJOURN - The meeting was adjourned at 8:07 P.M.